

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Note: Instructions to DNRC staff for preparing this EA can be found at:
http://www.dnrc.state.mt.us/eis_ea.html

Part I. Proposed Action Description

1. *Applicant/Contact name and address:* Kanning Concrete
109 Lasater Ave
Plentywood, MT 59254
2. *Type of action:* Application for Beneficial Water Use Permit No. 40R-30019239
3. *Water source name:* Big Muddy Creek
4. *Location affected by project:* NWSENW, Section 24, T35N, R54E, Sheridan County
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
This application is to provide water for sand and gravel washing and mixing concrete at Kanning Concrete. The application is to use 100 gpm up to 0.33 acre-feet per year for industrial use. The period of diversion is from May 1 to October 30. The point of diversion and place of use is located in the NWSENW, Section 24, T35N, R54E, Sheridan County.
6. *Agencies consulted during preparation of the Environmental Assessment:*
(include agencies with overlapping jurisdiction)

Montana Department of Fish, Wildlife & Parks Fisheries Information System – Website
Montana Natural Heritage Program – Website
Montana Department of Environmental Quality Website (TMDL 303d Listing)
National Wetland Inventory – Website

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.

Determination: Big Muddy Creek is not considered chronically or periodically dewatered by the Montana Department of Fish, Wildlife & Parks.

Water quality - Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.

Determination: Big Muddy Creek is listed on the 2002 Montana 303(d) list as partially supporting aquatic life and warm water fishery. The probable sources for the impairment are agriculture and grazing related sources. Due to the small appropriation requested in this application, the project will have no significant impact on this listed (water quality impaired or threatened) stream.

Groundwater - Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: This surface water appropriation should have no significant impact on groundwater in the area.

DIVERSION WORKS - Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.

Determination: The diversion is a small portable pump. Water will be diverted into a pit using a 13 hp, 100 gpm pump. Water is pumped to the gravel washing equipment and then into a series of settling ponds, where it is used again. Water will be pumped a maximum of 18 hours per year into the 0.16 AF pit. Aside from evaporation, the gravel washing operation is largely non-consumptive. This diversion will have no significant channel impacts, will not create barriers, or have any significant impact to riparian areas.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."

Determination: According to a report from the Montana Natural Heritage Program (MNHP) there are two species of special concern in the general area of this project. The Grasshopper Sparrow and the Sprague's Pipit are classified as sensitive by the Bureau of Land Management. Neither of these birds are listed as threatened or endangered and both have habitat that ranges over several states. This project will have no significant impact on these two bird species.

Wetlands - Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.

Determination: According to the National Wetlands Inventory (website), other than Big Muddy Creek, there are no wetlands located within the immediate area of the gravel pit. There is an area of palustrine wetlands approximately ¼ of a mile to the northeast but this project should not impact them.

Ponds - For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.

Determination: The pit where the water will be pumped into has a capacity of 0.16 acre-feet and covers a surface area of approximately 0.08 acre. There are no impacts to fisheries and there will be no significant impact to wildlife with the issuance of this water use permit.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.

Determination: The pit is located within a gravel pit for their sand & gravel washing operations. The soils are alluvial deposits of sand and gravel. They are not prone to saline seep.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.

Determination: The land is currently used as a gravel pit with a sand & gravel washing operation. The area has no vegetative cover. There will be no additional disturbed areas with this application. It is the responsibility of the property owner to control noxious weeds on their property.

AIR QUALITY - Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.

Determination: No impacts to air quality are expected due to this project.

HISTORICAL AND ARCHEOLOGICAL SITES - Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.

Determination: As this application is for a gravel pit that has been in operation for a while any archeological or historical sites that may have been present have already been disturbed. Additionally, the pit is located on private property, therefore no cultural resource inventory is recommended.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - Assess any other impacts on environmental resources of land, water and energy not already addressed.

Determination: No additional impacts on other environmental resources were identified.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: There are no known environmental plans or goals in this area.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

Determination: This project will have no significant impact on recreational or wilderness activities.

HUMAN HEALTH - Assess whether the proposed project impacts on human health.

Determination: This application will have no impact on human health.

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes___ No X If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: There are no additional government regulatory impacts on private property rights associated with this application.

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- (a) Cultural uniqueness and diversity? No significant impact.
- (b) Local and state tax base and tax revenues? No significant impact.
- (c) Existing land uses? No significant impact.
- (d) Quantity and distribution of employment? No significant impact.
- (e) Distribution and density of population and housing? No significant impact.
- (f) Demands for government services? No significant impact.
- (g) Industrial and commercial activity? No significant impact.
- (h) Utilities? No significant impact.

- (i) Transportation? No significant impact.
- (j) Safety? No significant impact.
- (k) Other appropriate social and economic circumstances? No significant impact.

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts: No secondary impacts have been identified.

Cumulative Impacts: No cumulative impacts have been identified.

3. *Describe any mitigation/stipulation measures:* None

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:* Under the no action alternative, the applicant would have to find another source of water or discontinue gravel washing operations.

PART III. Conclusion

1. *Preferred Alternative:* Permit the project as applied for if the applicant proves the criteria in 85-2-402.

2. *Comments and Responses*

3. *Finding:*

Based on the significance criteria evaluated in this EA, is an EIS required? No

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: No significant impacts have been identified, therefore an EIS is not necessary.

Name of person(s) responsible for preparation of EA:

Name: Denise Biggar

Title: Water Resource Specialist

Date: June 29, 2006